

1 **H. B. 4655**

2  
3 (By Delegates M. Poling and Paxton)

4  
5 (Originating in the House Committee on Education.)

6 [February 24, 2012]

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10 A BILL to amend and reenact §18A-4-8e of the Code of West Virginia,  
11 1931, as amended, relating to school service personnel  
12 certification; modifying the conditions for issuance and  
13 revocation of certain certification; and specifying authority  
14 of county board regarding issues not related to certification.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §18A-4-8e of the Code of West Virginia, 1931, as amended,  
17 be amended and reenacted to read as follows:

18 **ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

19 **§18A-4-8e. Competency testing for service personnel; and**  
20 **recertification testing for bus operators.**

21 (a) The State Board of ~~Education~~ shall develop and make  
22 available competency tests for all of the classification titles  
23 defined in section eight of this article and listed in section  
24 eight-a of this article for service personnel. Each classification  
25 title defined and listed is considered a separate classification  
26 category of employment for service personnel and has a separate

1 competency test, except for those class titles having Roman numeral  
2 designations, which are considered a single classification of  
3 employment and have a single competency test.

4 (1) The cafeteria manager class title is included in the same  
5 classification category as cooks and has the same competency test.

6 (2) The executive secretary class title is included in the  
7 same classification category as secretaries and has the same  
8 competency test.

9 (3) The classification titles of chief mechanic, mechanic and  
10 assistant mechanic are included in one classification title and  
11 have the same competency test.

12 (b) The purpose of these tests is to provide county boards a  
13 uniform means of determining whether school service personnel who  
14 do not hold a classification title in a particular category of  
15 employment meet the definition of the classification title in  
16 another category of employment as defined in section eight of this  
17 article. Competency tests may not be used to evaluate employees  
18 who hold the classification title in the category of their  
19 employment.

20 (c) The competency test consists of an objective written or  
21 performance test, or both. Applicants may take the written test  
22 orally if requested. Oral tests are recorded mechanically and kept  
23 on file. The oral test is administered by persons who do not know  
24 the applicant personally.

25 (1) The performance test for all classifications and  
26 categories other than bus operator is administered by an employee

1 of the county board or an employee of a multicounty vocational  
2 school that serves the county at a location designated by the  
3 superintendent and approved by the board. The location may be a  
4 vocational school that serves the county.

5 (2) A standard passing score is established by the state  
6 Department of Education for each test and is used by county boards.

7 (3) The subject matter of each competency test is commensurate  
8 with the requirements of the definitions of the classification  
9 titles as provided in section eight of this article. The subject  
10 matter of each competency test is designed in such a manner that  
11 achieving a passing grade does not require knowledge and skill in  
12 excess of the requirements of the definitions of the classification  
13 titles. Achieving a passing score conclusively demonstrates the  
14 qualification of an applicant for a classification title.

15 (4) Once an employee passes the competency test of a  
16 classification title, the applicant is fully qualified to fill  
17 vacancies in that classification category of employment as provided  
18 in section eight-b of this article and may not be required to take  
19 the competency test again.

20 (d) An applicant who fails to achieve a passing score is given  
21 other opportunities to pass the competency test when ~~making~~  
22 ~~application~~ applying for another vacancy within the classification  
23 category.

24 (e) Competency tests are administered to applicants in a  
25 uniform manner under uniform testing conditions. County boards are  
26 responsible for scheduling competency tests, notifying applicants

1 of the date and time of the one day of training prior to taking the  
2 test, and the date and time of the test. County boards may not use  
3 a competency test other than the test authorized by this section.

4 (f) When scheduling of the competency test conflicts with the  
5 work schedule of a school employee who has applied for a vacancy,  
6 the employee is excused from work to take the competency test  
7 without loss of pay.

8 (g) A minimum of one day of appropriate in-service training is  
9 provided to employees to assist them in preparing to take the  
10 competency tests.

11 (h) Competency tests are used to determine the qualification  
12 of new applicants seeking initial employment in a particular  
13 classification title as either a regular or substitute employee.

14 (i) Notwithstanding any provisions in this code to the  
15 contrary, once an employee holds or has held a classification title  
16 in a category of employment, that employee is considered qualified  
17 for the classification title even though that employee no longer  
18 holds that classification.

19 (j) The requirements of this section do not alter the  
20 definitions of class titles as provided in section eight of this  
21 article or the procedure and requirements of section eight-b of  
22 this article.

23 (k) Notwithstanding any other provision of this code to the  
24 contrary and notwithstanding any rules of the School Board  
25 concerning school bus operator certification, ~~in effect on the~~  
26 ~~effective date of this section~~ the certification test for school

1 bus operators shall be required as follows, and school bus  
2 operators ~~shall~~ may not be required to take the certification test  
3 more frequently:

4 (1) For substitute school bus operators and for school bus  
5 operators with regular employee status but on a probationary  
6 contract, the certification test shall be administered annually;

7 (2) For school bus operators with regular employee status and  
8 continuing contract status, the certification test shall be  
9 administered triennially; and

10 (3) For substitute school bus operators who are retired from  
11 a county board and who at the time of retirement had ten years of  
12 experience as a regular full-time bus operator, the certification  
13 test shall be administered triennially.

14 (4) A school bus operator certificate shall be issued to a  
15 person who has completed the required training, has passed the  
16 appropriate competency test, and meets the physical requirements to  
17 operate a school bus pursuant to State Board rule. The authority  
18 of the State Board to issue, deny or revoke the certification is  
19 limited to the questions of whether the applicant has completed the  
20 appropriate training, has passed the appropriate competency test  
21 and possesses the physical ability to operate a school bus. The  
22 State Board may revoke certification or refuse certification to an  
23 individual who has met all certification criteria only for  
24 conviction of a felony or revocation of a commercial driver's  
25 license.

26 (5) Resolution of any issue concerning conduct, before or

1 after employment and on or off duty, is reserved to the authority  
2 of the county board which seeks to employ or continue the  
3 employment of an individual as a school bus operator.

4       (6) The State Board shall promulgate in accordance with  
5 article three-b, chapter twenty-nine-a of this code, revised rules  
6 in compliance with this subsection.